

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 6 be amended to read as follows:

- 1 Page 7, between lines 14 and 15, begin a new paragraph and insert:
2 "SECTION 3. IC 31-19-2-4.5 IS ADDED TO THE INDIANA
3 CODE AS A NEW SECTION TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2006]: **Sec. 4.5. A court may not grant a**
5 **petition for adoption filed by:**
6 **(1) a sexually violent predator (as described in**
7 **IC 35-38-1-7.5); or**
8 **(2) a person who was at least eighteen (18) years of age at the**
9 **time of the offense and who committed child molesting**
10 **(IC 35-42-4-3) or sexual misconduct with a minor**
11 **(IC 35-42-4-9) against a child less than sixteen (16) years of**
12 **age:**
13 **(A) by using or threatening the use of deadly force;**
14 **(B) while armed with a deadly weapon; or**
15 **(C) that resulted in serious bodily injury.**
16 SECTION 4. IC 31-30-1-2.5 IS ADDED TO THE INDIANA
17 CODE AS A NEW SECTION TO READ AS FOLLOWS
18 [EFFECTIVE JULY 1, 2006]: **Sec. 2.5. A juvenile court may not**
19 **appoint a person to serve as the guardian or custodian of a child if**
20 **the person is:**
21 **(1) a sexually violent predator (as described in**
22 **IC 35-38-1-7.5); or**
23 **(2) a person who was at least eighteen (18) years of age at the**
24 **time of the offense and who committed child molesting**

(IC 35-42-4-3) or sexual misconduct with a minor (IC 45-42-4-9) against a child less than sixteen (16) years of age:

- (A) by using or threatening the use of deadly force;
- (B) while armed with a deadly weapon; or
- (C) that resulted in serious bodily injury.

SECTION 5. IC 31-37-19-10.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 10.5. (a) This section applies to a child at least twelve (12) years of age who is adjudicated a delinquent child for committing an act that would be child molesting (IC 35-42-4-3) if committed by an adult and:**

- (1) is committed by using or threatening the use of deadly force or while armed with a deadly weapon; or
- (2) that results in serious bodily injury.

(b) Notwithstanding any other provision of this chapter, a juvenile court shall transfer wardship of a child described in subsection (a) to the department of correction until the child becomes twenty-one (21) years of age.

(c) Notwithstanding IC 11-10-2-5, the department of correction may not reduce the period ordered under this section."

Page 8, between lines 26 and 27, begin a new paragraph and insert: "SECTION 7. IC 35-42-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 3. (a) A person who, with a child under fourteen (14) years of age, performs or submits to sexual intercourse or deviate sexual conduct commits child molesting, a Class B felony. However, the offense is a Class A felony if:**

- (1) it is committed by a person at least twenty-one (21) years of age;
- (2) it is committed by using or threatening the use of deadly force or while armed with a deadly weapon;
- (3) it results in serious bodily injury; or
- (4) the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.

(b) A person who, with a child under fourteen (14) years of age, performs or submits to any fondling or touching, of either the child or the older person, with intent to arouse or to satisfy the sexual desires of either the child or the older person, commits child molesting, a Class C felony. However, the offense is a Class A felony if:

- (1) it is committed by using or threatening the use of deadly force;
- (2) it is committed while armed with a deadly weapon; or
- (3) the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in

IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.

(c) It is a defense that the accused person reasonably believed that the child was sixteen (16) years of age or older at the time of the conduct.

(d) Notwithstanding IC 35-50-2-2, a person who is at least twenty-one (21) years of age who commits child molesting:

(1) while committing or attempting to commit:

(A) criminal confinement (IC 35-42-3-3); or

(B) kidnapping;

(2) by using or threatening the use of deadly force or while armed with a deadly weapon; or

(3) that results in serious bodily injury;

shall receive a mandatory minimum sentence of at least twenty-five (25) years. A person sentenced under this subsection does not earn credit time under IC 35-50-6-3 and is not eligible for credit time under IC 35-50-6-3.3 or any other statute or rule."

Page 15, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 15. [EFFECTIVE JULY 1, 2006] (a) IC 35-42-4-3, as amended by this act, applies only to crimes committed after June 30, 2006.

(b) IC 31-37-19-10.5, as added by this act, applies only to acts committed after June 30, 2006."

Renumber all SECTIONS consecutively.

(Reference is to ESB 6 as printed February 17, 2006.)

Representative Bright